

Exhibit L

From: [McGinty, William \(ATG\)](#)
To: [Bombard, Robert \(CIV\)](#); [Heintz, Tera M. \(ATG\)](#); [Fraas, Lauryn \(ATG\)](#); [Sepe, Cristina \(ATG\)](#); [Hughes, Andrew \(ATG\)](#); [Luna, Neal \(ATG\)](#); [Wolf, Lucy \(ATG\)](#); ["Allie.M.Boyd@doj.oregon.gov"](#); ["James.Canaday@ag.state.mn.us"](#); ["shannon.stevenson@coag.gov"](#); [Melody, Colleen M \(ATG\)](#)
Cc: [Andrapalliyal, Vinita B. \(CIV\)](#); [Daniel, Christian S. \(CIV\)](#)
Subject: RE: Washington et al. v Trump et al. - Discovery Requests
Date: Monday, April 28, 2025 9:23:38 AM

Robert,

Thank you for confirming that Defendants plan to stand on their objections and refuse to substantively respond to our discovery requests.

In light of your refusal to supplement following our meet-and-confer, we understand that we are now at impasse. Accordingly, we do not believe there is any need to meet today, and we will instead move forward with a motion to compel.

Regards,

William McGinty (he, him)
Deputy Solicitor General
PO Box 40100
Olympia, WA 98504-010
360-709-6027

This email and any files transmitted with it are intended solely for the use of the individual(s) or entity to which they are addressed, and may contain confidential and/or privileged information. If you received this e-mail in error, please notify the sender and delete the message. Please be advised that any use of it is strictly prohibited.

From: Bombard, Robert (CIV) <Robert.Bombard2@usdoj.gov>
Sent: Monday, April 28, 2025 8:59 AM
To: McGinty, William (ATG) <william.mcginity@atg.wa.gov>; Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; Fraas, Lauryn (ATG) <Lauryn.Fraas@ATG.WA.GOV>; Sepe, Cristina (ATG) <cristina.sepe@atg.wa.gov>; Hughes, Andrew (ATG) <andrew.hughes@atg.wa.gov>; Luna, Neal (ATG) <neal.luna@atg.wa.gov>; Wolf, Lucy (ATG) <lucy.wolf@atg.wa.gov>; 'Allie.M.Boyd@doj.oregon.gov' <Allie.M.Boyd@doj.oregon.gov>; 'James.Canaday@ag.state.mn.us' <James.Canaday@ag.state.mn.us>; 'shannon.stevenson@coag.gov' <shannon.stevenson@coag.gov>; Melody, Colleen M (ATG) <colleen.melody@atg.wa.gov>
Cc: Andrapalliyal, Vinita B. (CIV) <Vinita.B.Andrapalliyal@usdoj.gov>; Daniel, Christian S. (CIV) <Christian.S.Daniel@usdoj.gov>
Subject: RE: Washington et al. v Trump et al. - Discovery Requests

[EXTERNAL]

Good Morning Will,

Defendants maintain their objection that Plaintiffs' first set of RFPs and Rogs and subpoena

duces tecum to Michelle Bulls are moot because Defendants reinstated the NIH grant at issue in Plaintiffs' contempt motion.

Please let us know whether you still want to meet and confer later this afternoon between 3-5PM ET.

Thank you.

--

Robert C. Bombard

Trial Attorney

U.S. Department of Justice, Civil Division

Federal Programs Branch

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Cell: (202) 598-9509

From: Bombard, Robert (CIV)

Sent: Friday, April 25, 2025 5:01 PM

To: McGinty, William (ATG) <william.mcginity@atg.wa.gov>; Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; Fraas, Lauryn (ATG) <Lauryn.Fraas@ATG.WA.GOV>; Sepe, Cristina (ATG) <cristina.sepe@atg.wa.gov>; Hughes, Andrew (ATG) <andrew.hughes@atg.wa.gov>; Luna, Neal (ATG) <neal.luna@atg.wa.gov>; Wolf, Lucy (ATG) <lucy.wolf@atg.wa.gov>;

'Allie.M.Boyd@doj.oregon.gov' <Allie.M.Boyd@doj.oregon.gov>; 'James.Canaday@ag.state.mn.us' <James.Canaday@ag.state.mn.us>; 'shannon.stevenson@coag.gov'

<shannon.stevenson@coag.gov>; Melody, Colleen M (ATG) <colleen.melody@atg.wa.gov>

Cc: Andrapalliyal, Vinita B. (CIV) <Vinita.B.Andrapalliyal@usdoj.gov>; Daniel, Christian S. (CIV) <Christian.S.Daniel@usdoj.gov>

Subject: RE: Washington et al. v Trump et al. - Discovery Requests

Will,

We disagree with your characterization of today's meet and confer and may respond more fully next week, but in the interests of time, and to respond to your question about whether Defendants are standing on their objection that the compliance discovery is moot, we were able to meet with agency counsel this afternoon. Agency counsel responded that they would confer internally between now and Monday to consider the issue and to respond with their position.

We will update you once we have that information. While we await the agency's response, we can tentatively plan to keep 3-5PM ET open on Monday as a window for which to continue/conclude the meet and confer. If we get a response sooner, we'll let you know Defendants' position and you can tell us whether you still want to meet and confer.

Thank you.

--

Robert C. Bombard

Trial Attorney

U.S. Department of Justice, Civil Division

Federal Programs Branch

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From: McGinty, William (ATG) <william.mcginity@atg.wa.gov>

Sent: Friday, April 25, 2025 2:57 PM

To: Bombard, Robert (CIV) <Robert.Bombard2@usdoj.gov>; Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; Fraas, Lauryn (ATG) <Lauryn.Fraas@ATG.WA.GOV>; Sepe, Cristina (ATG) <cristina.sepe@atg.wa.gov>; Hughes, Andrew (ATG) <andrew.hughes@atg.wa.gov>; Luna, Neal (ATG) <neal.luna@atg.wa.gov>; Wolf, Lucy (ATG) <lucy.wolf@atg.wa.gov>; 'Allie.M.Boyd@doj.oregon.gov' <Allie.M.Boyd@doj.oregon.gov>; 'James.Canaday@ag.state.mn.us' <James.Canaday@ag.state.mn.us>; 'shannon.stevenson@coag.gov' <shannon.stevenson@coag.gov>; Melody, Colleen M (ATG) <colleen.melody@atg.wa.gov>

Cc: Andrapalliyal, Vinita B. (CIV) <Vinita.B.Andrapalliyal@usdoj.gov>; Daniel, Christian S. (CIV) <Christian.S.Daniel@usdoj.gov>

Subject: [EXTERNAL] RE: Washington et al. v Trump et al. - Discovery Requests

Counsel,

Thank you for meeting with us just now to confer regarding Plaintiffs' discovery requests.

At the meeting, you represented that you were unprepared to discuss your objections because, despite us sending you a letter yesterday outlining our responses, as you requested, you represented that you have not had sufficient time to review and discuss it. You said that it cited a lot of case law that you were unfamiliar with and that you needed to review.

We asked if you were going to stand on your objections, particularly your mootness objection (despite the Court's recent order reiterating our right to take the ordered expedited discovery) and you said that you needed to discuss this with your client.

We communicated our frustration at this answer, since the parties' disagreement about whether or not discovery related to Dr. Ahrens' grant was mooted by the grant's reinstatement has been the subject of several back-and-forth emails dating to late March. We expressed that you should have had an opportunity to discuss with your client in advance of our meet and confer whether Defendants would stand on their objections, particularly your objection that the requested discovery is moot.

We suggested a two-hour continuance of our meet and confer to give you an opportunity to discuss with your clients, but you declined. Instead, you promised to get back to us by 2 p.m. Pacific today about whether you will be available for another meet and confer on Monday, April 28 prepared to make commitments about discovery. We communicated that we expect Defendants to make substantive supplemental responses to our discovery no later than May 2.

To be clear, the supplemental response produced to us on May 2 must include:

- A full privilege log showing all documents that you have collected responsive to our requests but that are being withheld. The log should describe each document, and the privileges asserted with sufficient detail to enable us to evaluate the claimed

privilege;

- All non-privileged documents, or the non-privileged portions of documents, that you have collected responsive to our requests, including, but not limited to:
 - The communications testified to by Michelle Bulls. Bulls Tr. 95:8–97:7, 120:4–14, 121:24–122:14, 124:2–17; 125:20–126:16, 126:25–127:19, 128:7–9, 129:24–131:7, 132:11–133:5, 134:5–136:9, 136:13–137:25, 139:21–140:24;
 - The “master spreadsheet” testified to by Ms. Bulls (Bulls Tr. 93:9-95:7) and any other spreadsheets tracking grant terminations (Bulls Tr. 183:11-14, Bulls Tr. Ex. 21);
 - The communications, spreadsheets, and form letters testified to by Liza Bundesen. Bundesen Tr. 37:12-15, 38:6-11, 62:16-19, 77:1-5; and
 - Other documents that you represented on the record that you may have gathered independently responsive to our requests that are not privileged (see Bulls Tr. 185:16-18).

Anything less than a full commitment to produce the information above by May 2 may result in a motion to compel.

Regards,

William McGinty (he, him)
Deputy Solicitor General
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360-709-6027

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From: Bombard, Robert (CIV) <Robert.Bombard2@usdoj.gov>

Sent: Tuesday, April 22, 2025 12:40 PM

To: McGinty, William (ATG) <william.mcginity@atg.wa.gov>; Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; Fraas, Lauryn (ATG) <Lauryn.Fraas@ATG.WA.GOV>; Sepe, Cristina (ATG) <cristina.sepe@atg.wa.gov>; Hughes, Andrew (ATG) <andrew.hughes@atg.wa.gov>; Luna, Neal (ATG) <neal.luna@atg.wa.gov>; Wolf, Lucy (ATG) <lucy.wolf@atg.wa.gov>; 'Allie.M.Boyd@doj.oregon.gov' <Allie.M.Boyd@doj.oregon.gov>; 'James.Canaday@ag.state.mn.us' <James.Canaday@ag.state.mn.us>; 'shannon.stevenson@coag.gov' <shannon.stevenson@coag.gov>; Melody, Colleen M (ATG) <colleen.melody@atg.wa.gov>

Cc: Andrapalliyal, Vinita B. (CIV) <Vinita.B.Andrapalliyal@usdoj.gov>; Daniel, Christian S. (CIV) <Christian.S.Daniel@usdoj.gov>

Subject: RE: Washington et al. v Trump et al. - Discovery Requests

[EXTERNAL]

Thank you, Will. We look forward to meeting with you Friday at 1PM ET and look forward to receiving your letter on Thursday.

--

Robert C. Bombard

Trial Attorney

U.S. Department of Justice, Civil Division

Federal Programs Branch

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From: McGinty, William (ATG) <william.mcginty@atg.wa.gov>

Sent: Tuesday, April 22, 2025 2:33 PM

To: Bombard, Robert (CIV) <Robert.Bombard2@usdoj.gov>; Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; Fraas, Lauryn (ATG) <Lauryn.Fraas@ATG.WA.GOV>; Sepe, Cristina (ATG) <cristina.sepe@atg.wa.gov>; Hughes, Andrew (ATG) <andrew.hughes@atg.wa.gov>; Luna, Neal (ATG) <neal.luna@atg.wa.gov>; Wolf, Lucy (ATG) <lucy.wolf@atg.wa.gov>; 'Allie.M.Boyd@doj.oregon.gov' <Allie.M.Boyd@doj.oregon.gov>; 'James.Canaday@ag.state.mn.us' <James.Canaday@ag.state.mn.us>; 'shannon.stevenson@coag.gov' <shannon.stevenson@coag.gov>; Melody, Colleen M (ATG) <colleen.melody@atg.wa.gov>

Cc: Andrapalliyal, Vinita B. (CIV) <Vinita.B.Andrapalliyal@usdoj.gov>; Daniel, Christian S. (CIV) <Christian.S.Daniel@usdoj.gov>

Subject: [EXTERNAL] RE: Washington et al. v Trump et al. - Discovery Requests

Robert,

Let's schedule this for Friday, April 25 at 10:00 a.m. PT / 1:00 p.m. ET. I'll send a meeting invite with video conference information.

We'll send you a letter with our positions the day prior.

Regards,

William McGinty (he, him)

Deputy Solicitor General

PO Box 40100

Olympia, WA 98504-010

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From: Bombard, Robert (CIV) <Robert.Bombard2@usdoj.gov>

Sent: Monday, April 21, 2025 1:42 PM

To: McGinty, William (ATG) <william.mcginity@atg.wa.gov>; Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; Fraas, Lauryn (ATG) <Lauryn.Fraas@ATG.WA.GOV>; Sepe, Cristina (ATG) <cristina.sepe@atg.wa.gov>; Hughes, Andrew (ATG) <andrew.hughes@atg.wa.gov>; Luna, Neal (ATG) <neal.luna@atg.wa.gov>; Wolf, Lucy (ATG) <lucy.wolf@atg.wa.gov>; 'Allie.M.Boyd@doj.oregon.gov' <Allie.M.Boyd@doj.oregon.gov>; 'James.Canaday@ag.state.mn.us' <James.Canaday@ag.state.mn.us>; 'shannon.stevenson@coag.gov' <shannon.stevenson@coag.gov>; Melody, Colleen M (ATG) <colleen.melody@atg.wa.gov>
Cc: Andrapalliyal, Vinita B. (CIV) <Vinita.B.Andrapalliyal@usdoj.gov>; Daniel, Christian S. (CIV) <Christian.S.Daniel@usdoj.gov>
Subject: RE: Washington et al. v Trump et al. - Discovery Requests

[EXTERNAL]

Will,

Defendants' objections properly account for the narrow and now-moot scope of expedited discovery authorized by the Court. They are also properly based on relevance, proportionality, and privilege. The Court denied Plaintiffs' request for broader discovery into other purported compliance issues, and such issues are not relevant to the merits. That said, we are available to confer between 2:00 PM - 4:00 PM ET on Thursday and between 1:00 PM - 4:00 PM ET on Friday.

In order to facilitate a meaningful meet and confer, it would be helpful to know more details about the basis of your disagreement. Would you please explain your disagreement with our positions via email the day before we arrange to meet?

Thank you.

--

Robert C. Bombard

Trial Attorney

U.S. Department of Justice, Civil Division

Federal Programs Branch

Office: (202) 616-0773

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From: McGinty, William (ATG) <william.mcginity@atg.wa.gov>

Sent: Friday, April 18, 2025 6:37 PM

To: Daniel, Christian S. (CIV) <Christian.S.Daniel@usdoj.gov>; Andrapalliyal, Vinita B. (CIV) <Vinita.B.Andrapalliyal@usdoj.gov>; Bombard, Robert (CIV) <Robert.Bombard2@usdoj.gov>

Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; Fraas, Lauryn (ATG) <Lauryn.Fraas@ATG.WA.GOV>; Sepe, Cristina (ATG) <cristina.sepe@atg.wa.gov>; Hughes, Andrew (ATG) <andrew.hughes@atg.wa.gov>; Luna, Neal (ATG) <neal.luna@atg.wa.gov>; Wolf, Lucy (ATG) <lucy.wolf@atg.wa.gov>; 'Allie.M.Boyd@doj.oregon.gov' <Allie.M.Boyd@doj.oregon.gov>; 'James.Canaday@ag.state.mn.us' <James.Canaday@ag.state.mn.us>; 'shannon.stevenson@coag.gov' <shannon.stevenson@coag.gov>; Melody, Colleen M (ATG) <colleen.melody@atg.wa.gov>

Subject: [EXTERNAL] RE: Washington et al. v Trump et al. - Discovery Requests

Christian,

When are Defendants available for a meet and confer next week regarding these patently deficient responses?

Regards,

William McGinty (he, him)
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360-709-6027

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Sent: Friday, April 18, 2025 2:54 PM
To: McGinty, William (ATG) <william.mcginity@atg.wa.gov>; Andrapalliyal, Vinita B. (CIV) <Vinita.B.Andrapalliyal@usdoj.gov>; Bombard, Robert (CIV) <Robert.Bombard2@usdoj.gov>
Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; Fraas, Lauryn (ATG) <Lauryn.Fraas@ATG.WA.GOV>; Sepe, Cristina (ATG) <cristina.sepe@atg.wa.gov>; Hughes, Andrew (ATG) <andrew.hughes@atg.wa.gov>; Luna, Neal (ATG) <neal.luna@atg.wa.gov>; Wolf, Lucy (ATG) <lucy.wolf@atg.wa.gov>; 'Allie.M.Boyd@doj.oregon.gov' <Allie.M.Boyd@doj.oregon.gov>; 'James.Canaday@ag.state.mn.us' <James.Canaday@ag.state.mn.us>; 'shannon.stevenson@coag.gov' <shannon.stevenson@coag.gov>; Melody, Colleen M (ATG) <colleen.melody@atg.wa.gov>
Subject: RE: Washington et al. v Trump et al. - Discovery Requests

[EXTERNAL]

Will,

Defendants disagree with Plaintiffs' position on the mootness of the discovery requests, and the timing of Defendants' objections and responses, for the reasons I stated. Nevertheless, you may find Defendants' objections and responses attached.

Best,
Christian

--

Christian Daniel
Trial Attorney
U.S. Department of Justice, Civil Division

Federal Programs Branch
Office: (202) 514-5838
Cell: (202) 993-5173

From: McGinty, William (ATG) <william.mcginity@atg.wa.gov>
Sent: Monday, April 7, 2025 7:49 PM
To: Daniel, Christian S. (CIV) <Christian.S.Daniel@usdoj.gov>; Andrapalliyal, Vinita B. (CIV) <Vinita.B.Andrapalliyal@usdoj.gov>; Bombard, Robert (CIV) <Robert.Bombard2@usdoj.gov>
Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; Fraas, Lauryn (ATG) <Lauryn.Fraas@ATG.WA.GOV>; Sepe, Cristina (ATG) <cristina.sepe@atg.wa.gov>; Hughes, Andrew (ATG) <andrew.hughes@atg.wa.gov>; Luna, Neal (ATG) <neal.luna@atg.wa.gov>; Wolf, Lucy (ATG) <lucy.wolf@atg.wa.gov>; 'Allie.M.Boyd@doj.oregon.gov' <Allie.M.Boyd@doj.oregon.gov>; 'James.Canaday@ag.state.mn.us' <James.Canaday@ag.state.mn.us>; 'shannon.stevenson@coag.gov' <shannon.stevenson@coag.gov>; Melody, Colleen M (ATG) <colleen.melody@atg.wa.gov>
Subject: [EXTERNAL] RE: Washington et al. v Trump et al. - Discovery Requests

Christian,

As we've noted before, HHS's voluntary action to reinstate the Seattle Children's Hospital grant cannot moot this issue. And NIH grants to institutions in other Plaintiff States have also been terminated using the same language in the termination letter sent to Seattle Children's Hospital. Further, you have made no attempt to quash the discovery beyond your request for a conference which was denied. The discovery was not served on March 28; it was served on March 19 and was specifically allowed by an order of the Court. You cannot unilaterally change the deadline by which responses are due.

As you know, if discovery responses are not served by the deadline, then all objections that could have been raised are waived. *E.g.*, *Nelson Design Group LLC v. Obrock Cox PLLC*, 2024 WL 4438112 at *2 (W.D. Wash., August 19, 2024); *Richmark Corp. v. Timber Falling Consultants*, 959 F.2d 1468, 1473 (9th Cir. 1992) ("It is well established that a failure to object to discovery requests within the time required constitutes a waiver of any objection.").

If you do not provide responses to our March 19 discovery requests by Friday, April 18, 2025, we will consider all objections waived. Ms. Bulls testified last week that she gathered materials responsive to our requests and gave them to you. Bulls Tr. 17:17, 25:3-33:17. None of those materials, save for her resume, were provided to us at the deposition. You also implied, in questioning her, that you have been gathering materials to respond to our requests. Bulls Tr. 185:16-18 ("Is it possible that counsel is collecting documents in other was apart from asking you to collect documents?"). You should have substantial materials responsive to our requests to provide.

Regards,

William McGinty (he, him)
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Sent: Monday, April 7, 2025 2:47 PM
To: McGinty, William (ATG) <william.mcginnty@atg.wa.gov>; Andrapalliyal, Vinita B. (CIV) <Vinita.B.Andrapalliyal@usdoj.gov>; Bombard, Robert (CIV) <Robert.Bombard2@usdoj.gov>
Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; Fraas, Lauryn (ATG) <Lauryn.Fraas@ATG.WA.GOV>; Sepe, Cristina (ATG) <cristina.sepe@atg.wa.gov>; Hughes, Andrew (ATG) <andrew.hughes@atg.wa.gov>; Luna, Neal (ATG) <neal.luna@atg.wa.gov>; Wolf, Lucy (ATG) <lucy.wolf@atg.wa.gov>; 'Allie.M.Boyd@doj.oregon.gov' <Allie.M.Boyd@doj.oregon.gov>; 'James.Canaday@ag.state.mn.us' <James.Canaday@ag.state.mn.us>; 'shannon.stevenson@coag.gov' <shannon.stevenson@coag.gov>; Melody, Colleen M (ATG) <colleen.melody@atg.wa.gov>
Subject: RE: Washington et al. v Trump et al. - Discovery Requests

[EXTERNAL]

Will,

As stated on the record at last week's depositions, as well as in Defendants' objections to Plaintiffs' subpoena duces tecum to Michelle Bulls, any expedited discovery relating to Plaintiffs' prior contempt motion is moot, given the agency's reinstatement of NIH Grant No. 5R21HD107311. Pursuant to Fed. R. Civ. P. 26(d), Defendants will treat that subpoena duces tecum, as well as Plaintiffs' First Set of Interrogatories and Requests for Production, as served on March 28th, the date of the parties' Rule 26(f) conference.

Our further understanding from conferral with you after Friday's deposition is that Plaintiffs no longer seek to depose Dr. Memoli on April 22nd. We will treat the deposition notice to Dr. Memoli as withdrawn unless we hear otherwise from Plaintiffs by end of day tomorrow, April 8th. In response to your question, Dr. Memoli's current title at NIH is Principal Deputy Director.

Best,
Christian

--

Christian Daniel
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From: McGinty, William (ATG) <william.mcginity@atg.wa.gov>

Sent: Tuesday, April 1, 2025 7:18 PM

To: Daniel, Christian S. (CIV) <Christian.S.Daniel@usdoj.gov>; Andrapalliyal, Vinita B. (CIV) <Vinita.B.Andrapalliyal@usdoj.gov>; Bombard, Robert (CIV) <Robert.Bombard2@usdoj.gov>

Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; Fraas, Lauryn (ATG) <Lauryn.Fraas@ATG.WA.GOV>; Sepe, Cristina (ATG) <cristina.sepe@atg.wa.gov>; Hughes, Andrew (ATG) <andrew.hughes@atg.wa.gov>; Luna, Neal (ATG) <neal.luna@atg.wa.gov>; Wolf, Lucy (ATG) <lucy.wolf@atg.wa.gov>; 'Allie.M.Boyd@doj.oregon.gov' <Allie.M.Boyd@doj.oregon.gov>; 'James.Canaday@ag.state.mn.us' <James.Canaday@ag.state.mn.us>; 'shannon.stevenson@coag.gov' <shannon.stevenson@coag.gov>; Melody, Colleen M (ATG) <colleen.melody@atg.wa.gov>

Subject: [EXTERNAL] RE: Washington et al. v Trump et al. - Discovery Requests

Christian,

It is unreasonable that you'd be unable to produce any documents whatsoever. We understand that a complete production may not be possible, but producing no documents at all is not commensurate with the burdens you laid out below. I will be asking Ms. Bulls what steps she took to gather documents during her deposition on Thursday.

Also, could you please confirm ASAP that Dr. Memoli is available on April 22 or, if not, provide alternative dates? Could you also please inform us of what his new title is, now that Dr. Bhattacharya has been confirmed as the director?

Regards,

William McGinty (he, him)
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From: Daniel, Christian S. (CIV) <Christian.S.Daniel@usdoj.gov>
Sent: Tuesday, April 1, 2025 3:25 PM
To: McGinty, William (ATG) <william.mcginnty@atg.wa.gov>; Andrapalliyal, Vinita B. (CIV) <Vinita.B.Andrapalliyal@usdoj.gov>; Bombard, Robert (CIV) <Robert.Bombard2@usdoj.gov>
Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; Fraas, Lauryn (ATG) <Lauryn.Fraas@ATG.WA.GOV>; Sepe, Cristina (ATG) <cristina.sepe@atg.wa.gov>; Hughes, Andrew (ATG) <andrew.hughes@atg.wa.gov>; Luna, Neal (ATG) <neal.luna@atg.wa.gov>; Wolf, Lucy (ATG) <lucy.wolf@atg.wa.gov>; 'Allie.M.Boyd@doj.oregon.gov' <Allie.M.Boyd@doj.oregon.gov>; 'James.Canaday@ag.state.mn.us' <James.Canaday@ag.state.mn.us>; 'shannon.stevenson@coag.gov' <shannon.stevenson@coag.gov>; Melody, Colleen M (ATG) <colleen.melody@atg.wa.gov>
Subject: RE: Washington et al. v Trump et al. - Discovery Requests

[EXTERNAL]

Counsel,

I am writing to follow up on my prior emails about Plaintiffs' subpoena duces tecum to Michelle Bulls. Defendants reiterate their position, discussed previously, that Plaintiffs may not shorten the period Defendants would otherwise have for responses to document requests under Rule 34 by serving a Rule 45 subpoena on a party employee. Given the short notice provided in the subpoena, the time and resources required to address the other discovery and litigation issues in this case, and an outage in the agency's eDiscovery software last week, among other reasons, Defendants will not be able to produce documents in response to the subpoena by the deposition date.

Best,
Christian

--

Christian Daniel
Trial Attorney
U.S. Department of Justice, Civil Division
Federal Programs Branch
Office: (202) 514-5838
Cell: (202) 993-5173

From: McGinty, William (ATG) <william.mcginnty@atg.wa.gov>
Sent: Friday, March 28, 2025 3:34 PM
To: Daniel, Christian S. (CIV) <Christian.S.Daniel@usdoj.gov>; Andrapalliyal, Vinita B. (CIV) <Vinita.B.Andrapalliyal@usdoj.gov>
Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; Fraas, Lauryn (ATG) <Lauryn.Fraas@ATG.WA.GOV>; Sepe, Cristina (ATG) <cristina.sepe@atg.wa.gov>; Hughes, Andrew

(ATG) <andrew.hughes@atg.wa.gov>; Luna, Neal (ATG) <neal.luna@atg.wa.gov>; Wolf, Lucy (ATG) <lucy.wolf@atg.wa.gov>; 'Allie.M.Boyd@doj.oregon.gov' <Allie.M.Boyd@doj.oregon.gov>; 'James.Canaday@ag.state.mn.us' <James.Canaday@ag.state.mn.us>; 'shannon.stevenson@coag.gov' <shannon.stevenson@coag.gov>; Melody, Colleen M (ATG) <colleen.melody@atg.wa.gov>

Subject: [EXTERNAL] RE: Washington et al. v Trump et al. - Discovery Requests

Counsel,

Attached please find a deposition notice for Dr. Matthew Memoli set for April 22. Please let us know ASAP if this date is acceptable and, if not, provide dates that Dr. Memoli can be available for deposition in late April.

Regards,

William McGinty (he, him)
Deputy Solicitor General
PO Box 40100
Olympia, WA 98504-010
360-709-6027

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From: McGinty, William (ATG)

Sent: Tuesday, March 25, 2025 3:49 PM

To: Daniel, Christian S. (CIV) <Christian.S.Daniel@usdoj.gov>; Andrapalliyal, Vinita B. (CIV) <Vinita.B.Andrapalliyal@usdoj.gov>

Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; Fraas, Lauryn (ATG) <Lauryn.Fraas@ATG.WA.GOV>; Sepe, Cristina (ATG) <Cristina.Sepe@atg.wa.gov>; Hughes, Andrew (ATG) <andrew.hughes@atg.wa.gov>; Luna, Neal (ATG) <neal.luna@atg.wa.gov>; Wolf, Lucy (ATG) <Lucy.Wolf@atg.wa.gov>; 'Allie.M.Boyd@doj.oregon.gov' <Allie.M.Boyd@doj.oregon.gov>; 'James.Canaday@ag.state.mn.us' <James.Canaday@ag.state.mn.us>; 'shannon.stevenson@coag.gov' <shannon.stevenson@coag.gov>; Melody, Colleen M (ATG) <colleen.melody@atg.wa.gov>

Subject: RE: Washington et al. v Trump et al. - Discovery Requests

Christian,

Thank you for the dates. Attached please find revised notices for Ms. Bulls as well as a third-party subpoena for testimony and documents directed to Liza Bundesen, who we understand is no longer employed by NIH. Ms. Bulls' deposition is scheduled for April 3, and Ms. Bundesen's is scheduled for April 4.

Regards,

William McGinty (he, him)
Deputy Solicitor General
PO Box 40100
Olympia, WA 98504-010
360-709-6027

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From: Daniel, Christian S. (CIV) <Christian.S.Daniel@usdoj.gov>
Sent: Tuesday, March 25, 2025 11:48 AM
To: McGinty, William (ATG) <william.mcginity@atg.wa.gov>; Andrapalliyal, Vinita B. (CIV) <Vinita.B.Andrapalliyal@usdoj.gov>
Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; Fraas, Lauryn (ATG) <Lauryn.Fraas@ATG.WA.GOV>; Sepe, Cristina (ATG) <cristina.sepe@atg.wa.gov>; Hughes, Andrew (ATG) <andrew.hughes@atg.wa.gov>; Luna, Neal (ATG) <neal.luna@atg.wa.gov>; Wolf, Lucy (ATG) <lucy.wolf@atg.wa.gov>; 'Allie.M.Boyd@doj.oregon.gov' <Allie.M.Boyd@doj.oregon.gov>; 'James.Canaday@ag.state.mn.us' <James.Canaday@ag.state.mn.us>; 'shannon.stevenson@coag.gov' <shannon.stevenson@coag.gov>; Melody, Colleen M (ATG) <colleen.melody@atg.wa.gov>
Subject: RE: Washington et al. v Trump et al. - Discovery Requests

[EXTERNAL]

William,

Ms. Bulls is available on Thursday, April 3, or Friday, April 4, for the deposition. Please let us know which date works for Plaintiffs.

As I previously indicated, we are working to collect relevant documents at this time and will produce them as promptly as we are able, but cannot commit to doing so by the deposition dates Plaintiffs are demanding. Defendants do not agree that that the Court's order granting expedited discovery changed the 30-day period for responding to document requests under Rule 34. As set out in the Court's order, discovery was "expedited" in the sense that Plaintiffs may seek discovery "before a Rule 26(f) conference," rather than following the typical sequence of discovery that occurs after the parties' Rule 26 conferral. ECF No. 258 at 14. Nothing in the Court's order indicated that Defendants have less than 30 days to respond to Rule 34 document requests.

Best,
Christian

--

Christian Daniel

Trial Attorney
U.S. Department of Justice, Civil Division
Federal Programs Branch
Office: (202) 514-5838
Cell: (202) 993-5173

From: McGinty, William (ATG) <william.mcginity@atg.wa.gov>
Sent: Monday, March 24, 2025 2:59 PM
To: Daniel, Christian S. (CIV) <Christian.S.Daniel@usdoj.gov>; Andrapalliyal, Vinita B. (CIV) <Vinita.B.Andrapalliyal@usdoj.gov>
Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; Fraas, Lauryn (ATG) <Lauryn.Fraas@ATG.WA.GOV>; Sepe, Cristina (ATG) <cristina.sepe@atg.wa.gov>; Hughes, Andrew (ATG) <andrew.hughes@atg.wa.gov>; Luna, Neal (ATG) <neal.luna@atg.wa.gov>; Wolf, Lucy (ATG) <lucy.wolf@atg.wa.gov>; 'Allie.M.Boyd@doj.oregon.gov' <Allie.M.Boyd@doj.oregon.gov>; 'James.Canaday@ag.state.mn.us' <James.Canaday@ag.state.mn.us>; 'shannon.stevenson@coag.gov' <shannon.stevenson@coag.gov>; Melody, Colleen M (ATG) <colleen.melody@atg.wa.gov>
Subject: [EXTERNAL] RE: Washington et al. v Trump et al. - Discovery Requests

Christian,

Please get us dates for Ms. Bulls by tomorrow. We'd like them by noon Pacific so we can have some time before the end of your business day to settle on a date. Absent some compelling reason this is not possible, we will request a conference with the Court.

Regarding the SDT, the Court ordered expedited discovery. By definition, then, the normal timelines do not apply. We expect a fulsome production on the date that we depose Ms. Bulls so that the deposition can be productive.

Regards,

William McGinty (he, him)
Deputy Solicitor General
PO Box 40100
Olympia, WA 98504-010
360-709-6027

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From: Daniel, Christian S. (CIV) <Christian.S.Daniel@usdoj.gov>
Sent: Monday, March 24, 2025 11:38 AM
To: McGinty, William (ATG) <william.mcginity@atg.wa.gov>; Andrapalliyal, Vinita B. (CIV) <Vinita.B.Andrapalliyal@usdoj.gov>

Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; Fraas, Lauryn (ATG) <Lauryn.Fraas@ATG.WA.GOV>; Sepe, Cristina (ATG) <cristina.sepe@atg.wa.gov>; Hughes, Andrew (ATG) <andrew.hughes@atg.wa.gov>; Luna, Neal (ATG) <neal.luna@atg.wa.gov>; Wolf, Lucy (ATG) <lucy.wolf@atg.wa.gov>; 'Allie.M.Boyd@doj.oregon.gov' <Allie.M.Boyd@doj.oregon.gov>; 'James.Canaday@ag.state.mn.us' <James.Canaday@ag.state.mn.us>; 'shannon.stevenson@coag.gov' <shannon.stevenson@coag.gov>; Melody, Colleen M (ATG) <colleen.melody@atg.wa.gov>

Subject: RE: Washington et al. v Trump et al. - Discovery Requests

[EXTERNAL]

William,

We are working to identify a time in the next two weeks for Michelle's deposition. We are still waiting to hear back on her availability—including because she is out of office today—and will be in touch as soon as we can provide available dates, likely by tomorrow. We are acting in good faith and are moving as quickly as feasible since receiving your discovery requests three business days ago, so we believe it is premature to involve the court in this issue.

In the meantime, we note that Plaintiffs' subpoena duces tecum, served under Rule 45, asks for documents to be produced unreasonably quickly. Pursuant to Rule 34, parties have 30 days to respond to document requests. Plaintiffs "may not avoid the limitations and requirements of Fed. R. Civ. P. 34 by demanding that a party produce documents at a deposition scheduled less than thirty days in the future." *Bank of Am. v. Travelers Indemn. Co.*, 2009 WL 529235, at *1 (W.D. Wash. Mar. 2, 2009). Nor may Plaintiffs use Rule 45 to make an end run around the requirements of Rule 34. *E.g., MGA Ent., Inc. v. Nat'l Prods., Ltd.*, 2011 WL 13130181, at *3 (C.D. Cal. Dec. 16, 2011) (subpoena was "invalid" where "it required production a mere eleven days after service" because party could not use Rule 45 to "circumvent the document discovery procedures provided by Rule 34" (quotation omitted)); *Singleton v. Jupiter Communities, LLC*, 2014 WL 251659, at *3 (D. Nev. Jan. 22, 2014) ("The purpose of Rule 45 is generally to allow counsel to compel someone who is not a party to appear for a deposition and/or produce documents. The documents Plaintiff seeks are clearly Defendant's documents, not those of the non party witness, and Rule 45 is not the proper procedure to seek discovery more appropriately subject to a Rule 34 request.").

We are working to collect relevant documents as quickly as possible without incurring an undue burden. Those documents will have to be reviewed for responsiveness, redacted as appropriate, and produced while the agency manages its many other obligations. At this point, we cannot commit to responding to the subpoena in less than 30 days from the date Plaintiffs served it.

Best,
Christian

--

Christian Daniel
Trial Attorney

U.S. Department of Justice, Civil Division
Federal Programs Branch
Office: (202) 514-5838
Cell: (202) 993-5173

From: McGinty, William (ATG) <william.mcginity@atg.wa.gov>
Sent: Saturday, March 22, 2025 2:09 PM
To: Daniel, Christian S. (CIV) <Christian.S.Daniel@usdoj.gov>; Andrapalliyal, Vinita B. (CIV) <Vinita.B.Andrapalliyal@usdoj.gov>
Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; Fraas, Lauryn (ATG) <Lauryn.Fraas@ATG.WA.GOV>; Sepe, Cristina (ATG) <cristina.sepe@atg.wa.gov>; Hughes, Andrew (ATG) <andrew.hughes@atg.wa.gov>; Luna, Neal (ATG) <neal.luna@atg.wa.gov>; Wolf, Lucy (ATG) <lucy.wolf@atg.wa.gov>; 'Allie.M.Boyd@doj.oregon.gov' <Allie.M.Boyd@doj.oregon.gov>; 'James.Canaday@ag.state.mn.us' <James.Canaday@ag.state.mn.us>; 'shannon.stevenson@coag.gov' <shannon.stevenson@coag.gov>; Melody, Colleen M (ATG) <colleen.melody@atg.wa.gov>
Subject: [EXTERNAL] RE: Washington et al. v Trump et al. - Discovery Requests

Christian,

No meeting is necessary for Defendants to identify deposition dates in conformity with the court's expedited discovery order. Please identify dates in the next two weeks when the noted deposition of Ms. Bulls can occur. If defendants fail or refuse to identify those dates by 12 pm PT on Monday 3/24, we will alert the Court to the parties' impasse and request a telephonic discovery conference per the Court's standing order on March 28 from 12-3 ET or March 31 from 12-4 ET when you have already indicated you are available. Dkt. #259-1 p.5.

If you have anything more to say about the schedule, please say it in writing.

Regards,

William McGinty (he, him)
Deputy Solicitor General
PO Box 40100
Olympia, WA 98504-010
360-709-6027

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From: Daniel, Christian S. (CIV) <Christian.S.Daniel@usdoj.gov>
Sent: Friday, March 21, 2025 7:57 PM
To: McGinty, William (ATG) <william.mcginity@atg.wa.gov>; Andrapalliyal, Vinita B. (CIV) <Vinita.B.Andrapalliyal@usdoj.gov>

Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; Fraas, Lauryn (ATG) <Lauryn.Fraas@ATG.WA.GOV>; Sepe, Cristina (ATG) <cristina.sepe@atg.wa.gov>; Hughes, Andrew (ATG) <andrew.hughes@atg.wa.gov>; Luna, Neal (ATG) <neal.luna@atg.wa.gov>; Wolf, Lucy (ATG) <lucy.wolf@atg.wa.gov>; 'Allie.M.Boyd@doj.oregon.gov' <Allie.M.Boyd@doj.oregon.gov>; 'James.Canaday@ag.state.mn.us' <James.Canaday@ag.state.mn.us>; 'shannon.stevenson@coag.gov' <shannon.stevenson@coag.gov>; Melody, Colleen M (ATG) <colleen.melody@atg.wa.gov>

Subject: RE: Washington et al. v Trump et al. - Discovery Requests

[EXTERNAL]

William,

We are not able to do March 26 as the deposition date for Ms. Bulls, including because there is not sufficient time to collect the documents required in the subpoena by that date. Again, we are happy to find a time to discuss mutually agreeable dates and times for the deposition, if you would like to let me know Plaintiffs' availability for such a call.

Best,
Christian

--

Christian Daniel

Trial Attorney

U.S. Department of Justice, Civil Division

Federal Programs Branch

Office: (202) 514-5838

Cell: (202) 993-5173

From: McGinty, William (ATG) <william.mcginity@atg.wa.gov>

Sent: Friday, March 21, 2025 6:18 PM

To: Daniel, Christian S. (CIV) <Christian.S.Daniel@usdoj.gov>; Andrapalliyal, Vinita B. (CIV) <Vinita.B.Andrapalliyal@usdoj.gov>

Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; Fraas, Lauryn (ATG) <Lauryn.Fraas@ATG.WA.GOV>; Sepe, Cristina (ATG) <cristina.sepe@atg.wa.gov>; Hughes, Andrew (ATG) <andrew.hughes@atg.wa.gov>; Luna, Neal (ATG) <neal.luna@atg.wa.gov>; Wolf, Lucy (ATG) <lucy.wolf@atg.wa.gov>; 'Allie.M.Boyd@doj.oregon.gov' <Allie.M.Boyd@doj.oregon.gov>; 'James.Canaday@ag.state.mn.us' <James.Canaday@ag.state.mn.us>; 'shannon.stevenson@coag.gov' <shannon.stevenson@coag.gov>; Melody, Colleen M (ATG) <colleen.melody@atg.wa.gov>

Subject: [EXTERNAL] RE: Washington et al. v Trump et al. - Discovery Requests

Christian,

I am surprised to hear you were planning to wait until next week to talk about scheduling a deposition currently set for Wednesday. Are you declining to make Ms. Bulls available on March 26? Please confirm if so.

We can work with you on a date, but we are not withdrawing the notice without an agreed-upon date. The Court ordered expedited discovery and we plan to take this deposition (and likely others) in the next two weeks.

Regards,

William McGinty (he, him)
Deputy Solicitor General
PO Box 40100
Olympia, WA 98504-010
360-709-6027

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From: Daniel, Christian S. (CIV) <Christian.S.Daniel@usdoj.gov>
Sent: Friday, March 21, 2025 3:00 PM
To: McGinty, William (ATG) <william.mcginity@atg.wa.gov>; Andrapalliyal, Vinita B. (CIV) <Vinita.B.Andrapalliyal@usdoj.gov>
Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; Fraas, Lauryn (ATG) <Lauryn.Fraas@ATG.WA.GOV>; Sepe, Cristina (ATG) <cristina.sepe@atg.wa.gov>; Hughes, Andrew (ATG) <andrew.hughes@atg.wa.gov>; Luna, Neal (ATG) <neal.luna@atg.wa.gov>; Wolf, Lucy (ATG) <lucy.wolf@atg.wa.gov>; 'Allie.M.Boyd@doj.oregon.gov' <Allie.M.Boyd@doj.oregon.gov>; 'James.Canaday@ag.state.mn.us' <James.Canaday@ag.state.mn.us>; 'shannon.stevenson@coag.gov' <shannon.stevenson@coag.gov>; Melody, Colleen M (ATG) <colleen.melody@atg.wa.gov>
Subject: RE: Washington et al. v Trump et al. - Discovery Requests

[EXTERNAL]

William,

We were planning to reach out to you early next week to discuss this deposition, which we would like to schedule for a later date. Do Plaintiffs have availability early next week to discuss the deposition date?

Thanks,
Christian

--

Christian Daniel
Trial Attorney
U.S. Department of Justice, Civil Division
Federal Programs Branch

Office: (202) 514-5838

Cell: (202) 993-5173

From: McGinty, William (ATG) <william.mcginity@atg.wa.gov>

Sent: Friday, March 21, 2025 5:41 PM

To: Andrapalliyal, Vinita B. (CIV) <Vinita.B.Andrapalliyal@usdoj.gov>; Daniel, Christian S. (CIV) <Christian.S.Daniel@usdoj.gov>

Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; Fraas, Lauryn (ATG) <Lauryn.Fraas@ATG.WA.GOV>; Sepe, Cristina (ATG) <cristina.sepe@atg.wa.gov>; Hughes, Andrew (ATG) <andrew.hughes@atg.wa.gov>; Luna, Neal (ATG) <neal.luna@atg.wa.gov>; Wolf, Lucy (ATG) <lucy.wolf@atg.wa.gov>; 'Allie.M.Boyd@doj.oregon.gov' <Allie.M.Boyd@doj.oregon.gov>; 'James.Canaday@ag.state.mn.us' <James.Canaday@ag.state.mn.us>; 'shannon.stevenson@coag.gov' <shannon.stevenson@coag.gov>; Melody, Colleen M (ATG) <colleen.melody@atg.wa.gov>

Subject: [EXTERNAL] RE: Washington et al. v Trump et al. - Discovery Requests

Vinita and Christian,

Could you please confirm ASAP that Ms. Bulls' deposition will go forward on March 26? We are about to make travel arrangements and reserve the right to request costs incurred due to a last-minute cancellation.

Regards,

William McGinty (he, him)
Deputy Solicitor General
PO Box 40100
Olympia, WA 98504-010
360-709-6027

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From: McGinty, William (ATG)

Sent: Wednesday, March 19, 2025 1:26 PM

To: Andrapalliyal, Vinita B. (CIV) <Vinita.B.Andrapalliyal@usdoj.gov>; Daniel, Christian S. (CIV) <Christian.S.Daniel@usdoj.gov>

Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; Fraas, Lauryn (ATG) <Lauryn.Fraas@ATG.WA.GOV>; Sepe, Cristina (ATG) <Cristina.Sepe@atg.wa.gov>; Hughes, Andrew (ATG) <andrew.hughes@atg.wa.gov>; Luna, Neal (ATG) <neal.luna@atg.wa.gov>; Wolf, Lucy (ATG) <Lucy.Wolf@atg.wa.gov>; Allie.M.Boyd@doj.oregon.gov; James.Canaday@ag.state.mn.us; shannon.stevenson@coag.gov; Melody, Colleen M (ATG) <colleen.melody@atg.wa.gov>

Subject: Washington et al. v Trump et al. - Discovery Requests

Vinita and Christian,

Please find attached discovery requests, including interrogatories and requests for production, a notice of deposition for Michelle Bulls, and a subpoena for Ms. Bulls' testimony and records. We'd like to take her deposition on March 26. We are, of course, willing to negotiate regarding the date and time. In light of the Court's order that there is good cause to conduct expedited discovery, however, we do want to get this on the books by the first week of April.

Regards,

William McGinty (he, him)
Deputy Solicitor General
PO Box 40100
Olympia, WA 98504-010
(360) 709-6027

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<< File: NtcDep_Bulls.pdf >> << File: SDT_Bulls.pdf >> << File:
Pltff1stRogsRfpstoDefs.pdf >>